IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.146 OF 2007

1.Shri Sunil Nanasaheb Wabale, &
2.Sau.Champavati Nanasaheb Wabale. ...Applicants.

Versus

The State of Maharashtra ...Respondent.

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Mr.V.V.Purwant, Adv. for the Applicants.
Mr.S.S.Pednekar, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 26th April, 2007.

P.C.:

1. Heard the learned Advocate for the applicants-orig.accused Nos.1 & 3 and the learned APP for the State.

2. The applicants-orig.accused Nos.1 & 3 have been convicted under Section 498-A read with 34 of IPC by the learned 1st Adhoc Asstt.Sessions Judge, Baramati by judgment and order dated 21.2.2004 in Sessions Case No.49 of 2001. By the said judgment and order the learned Magistrate sentenced the applicants to suffer RI for one year and fine of Rs.2000/- each, in default RI for three months each. Being aggrieved by the said judgment and order the applicants preferred Criminal Appeal No.12 of 2004. The Adhoc Sessions Judge-2,

Baramati by judgment and order dated 3.3.2007 partly allowed the appeal. The conviction of applicant No.1 was confirmed. However, the order convicting and sentencing the applicant No.2 for a period of one year and to pay fine of Rs.2000/- was modified and instead sentence was imposed to suffer SI till rising of the Court and fine of Rs.15,000/- in default SI for one month. Being aggrieved thereby, this Revision has been preferred by the applicants.

3. The learned Advocate for the applicants, on instructions, states that the applicants are not challenging their conviction. He stated that as far as applicant No.2 is concerned, neither the conviction nor sentence imposed on her by the Sessions Court is challenged. It is further stated that applicant No.2 has paid the fine amount of Rs.15,000/-. However, it is prayed that in respect of applicant No.1 the sentence of imprisonment may be reduced and instead the fine may be substantially increased.

4. The learned APP states that if the fine amount is substantially increased, he does not have any serious objection to period of imprisonment of applicant No.1 being reduced to

the period already undergone by the applicant No.1.

5. In view of the above, the conviction of the applicants is confirmed. However, the sentence of imprisonment is reduced to the period already undergone by the applicant No.1 and fine amount of Rs.2000/- as imposed by the learned 1st Adhoc Asstt.Sessions Judge, Baramati on applicant No.1 is increased to Rs.20,000/-. In case the fine amount of Rs.2000/- as imposed by the learned Sessions Judge has already been deposited by applicant No.1, applicant No.1 will have to deposit the remaining fine amount of Rs.18,000/-. If the fine amount of Rs.2000/- has not been deposited by the applicant No.1, then the applicant No.1 has to deposit the entire amount of Rs.20,000/- before the trial Court. On the fine amount being deposited in the trial Court, applicant No.1 - Sunil Nanasaheb Wabale shall be released forthwith.

6. Both the convictions in respect of applicants are confirmed. Revision is dismissed in respect of applicant No.2; and partly allowed in respect of applicant No.1.

(SMT.V.K.TAHILRAMANI,J.)